

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER FOSTER,	:	Case No. 1:16-cv-920
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
STATE OF OHIO, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 43)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on June 12, 2017, submitted a Report and Recommendations. (Doc. 43). Plaintiff filed objections on June 19, 2017, and supplemental objections on June 27, 2017.¹

¹ The Court has reviewed Plaintiff's objections and finds that they are not well taken. The Report and Recommendations recommends dismissal of several motions filed by Plaintiff seeking default judgment against various defendants for alleged failures to answer or otherwise respond to Plaintiff's complaint. Plaintiff's objections claim that the Magistrate Judge's recommendation is in error. However, the Report and Recommendations thoroughly explains the history of this case, including which defendants were properly served and which were not. All those defendants that had been properly served at the time of the Report and Recommendation's filing had answered. One of the defendants is deceased, and accordingly shall be dismissed *sua sponte* pursuant to the Report and Recommendations. Therefore, none of Defendant's motions seeking default judgment are meritorious.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly, **IT IS ORDERED** that:

- 1) Defendant Southworth is **DISMISSED** from this case based upon his death in July 2015;
- 2) Plaintiff's motion to dismiss the Defendant previously identified as John Doe (Doc. 24) is **GRANTED**;
- 3) All of Plaintiff's motions seeking to amend the caption of the docket of this case, and/or for entry of default judgment or other substantive relief against any and all Defendants (Docs. 20, 22, 23, 35, 36, 38 & 39) are **DENIED**.

IT IS SO ORDERED.

Date: 8/16/17

Timothy S. Black
Timothy S. Black
United States District Judge